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11 Attorneys for Defendants, Counter-Claimants, and Third
Party Claimants, DICK/MORGANTI; DICK
12 CORPORATION; THE MORGANTI GROUP, INC.;
AMERICAN CASUALTY COMPANY OF READING,
13 PA; and NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA for the Use
17 and Benefit of WEBCOR CONSTRUCTION,
INC. dba WEBCOR BUILDERS, and
18 WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS,

19 Plaintiffs,

20 vs.

21 DICK/MORGANTI, a joint venture; DICK
22 CORPORATION; THE MORGANTI GROUP;
AMERICAN CASUALTY COMPANY OF
23 READING, PA; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH,
24 PA, and DOES 1 through 10, inclusive,

25 Defendants.

26
27 AND ALL RELATED COUNTER-CLAIMS
AND THIRD PARTY CLAIMS.
28

Case No. 3:07-CV-02564-CRB

JOINT STIPULATION FOR CONTINUANCE
OF HEARING ON MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM AND
MOTION FOR A MORE DEFINITE
STATEMENT

Judge: Hon. Charles R. Breyer

Case No. 3:07-CV-02564-CRB

JOINT STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION FOR A MORE
DEFINITE STATEMENT

1 IS HEREBY STIPULATED jointly by the parties hereto through their respective counsel
2 as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;
5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;
6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
7 ("Defendants") filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and
8 Motion for a More Definite Statement ("Motions") in response to the Complaint filed by Plaintiff
9 United States of America for the use and benefit of Webcor Construction Inc. ("Plaintiff"); and

10 2. The hearing for the Motions was originally scheduled for February 22, 2008 and
11 was, per the parties' prior stipulations and the Court's Orders, continued to July 25, 2008 at 10:00
12 a.m.; and

13 3. Defendants and Plaintiff are currently finalizing an agreement which would make
14 the Motions unnecessary and moot; and

15 4. Plaintiff's current deadline to file an opposition to the Defendants' Motions is July
16 3, 2008; and

17 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions
18 unnecessary and moot, and inform the Court of their final agreement on or before August 8, 2008.

19 **NOW THEREFORE:**

20 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and
21 the corresponding opposition and reply dates so that they may finalize their agreement regarding
22 the Motions; and

23 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed
24 herewith which continues the hearing for the Motions from July 25, 2008 at 10:00 a.m. to **August**
25 **29, 2008 at 10:00 a.m.**

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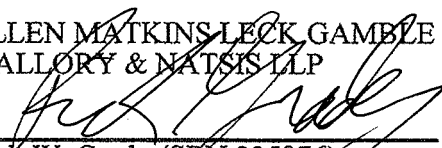
1 IT IS SO STIPULATED.

2 AGREED TO BY:

3
4 Dated: July 2, 2008

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

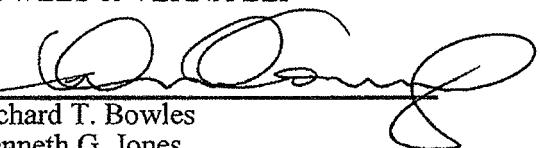
By:


Rick W. Grady (SBN 235976)
Attorneys for Defendants, Counter-
Claimants, and Third Party Claimants,
DICK/MORGANTI; DICK
CORPORATION; THE MORGANTI
GROUP, INC.; AMERICAN CASUALTY
COMPANY OF READING, PA; and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

11 Dated: July 2, 2008

BOWLES & VERNA LLP

By:


Richard T. Bowles
Kenneth G. Jones
Michael Connolly
Attorneys for Plaintiff, UNITED STATES
OF AMERICA for the Use and Benefit of
WEBCOR CONSTRUCTION, INC. DBA
WEBCOR BUILDERS